

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff

V.

CRIMINAL NO. 05-228(ADC)

JOSE VALENTIN FABREGAS
Defendant

REPORT AND RECOMMENDATION

9 On this date defendant appeared before the undersigned to plea guilty to Count I of the
10 indictment, charging him with violating of 21 U.S.C. § 846. Defendant was represented by attorney
11 Armando Porrata Doria, with whom he stated to be satisfied with his representation. The
government, in turn, was represented by AUSA Myriam Fernandez. The parties duly executed
consent forms permitting the undersigned to take defendant's plea, pursuant to a non-binding plea
agreement, which has been made part of the record.

12 Upon examining defendant throughout the proceedings, the undersigned finds him competent
13 to enter a plea which is knowing and voluntary. Defendant was advised at the hearing of the
14 minimum and maximum statutory penalties he faces. He was further informed that the sentencing
15 judge is not bound by the advisory Sentencing Guidelines nor plea agreement. More so, once
defendant is sentenced, he may not withdraw her plea simply because he is not satisfied with the
sentence imposed upon him. The undersigned also advised defendant of the constitutional rights he
waives by entering a guilty plea.

16 Upon inquiry by the Court, defendant accepted all the elements of the offenses outlined in
17 Count I of the indictment, as well as the fact that he acted knowingly, willfully and intentionally at
all times relevant to the conduct outlined in said Count.

18 It is thus recommended by the undersigned that defendant's guilty plea be accepted, and
19 sentence be imposed upon him accordingly.

This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).
SO RECOMMENDED.

In San Juan, Puerto Rico, this 27th of June, 2006

S/Gustavo A. Gelpí

GUSTAVO A. GELPI
United States Magistrate-Judge